OBSERVATIONS
UPON SOME OF HIS
MAJESTIES late Answers
and Expresses.

Written by a Gentleman of Quality.

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A Revievv of the Observations Upon some of His Majesties late Answers and expresses

IN the Contestation between Regall and Parlimentary authority, finding by the frequent Declarations of the two Honorable Houses made unto the People, (like so many Appeales of the Body representative, to the Body at large) that the Soveraigne judgment of all things is (upon the matter) brought unto the people I see not, but that it is both lawfull, and even the necessary duty of every private man that hath any understanding of the things in question, to publish his particular judgment and apprehension of them; That from the most free and universal agitation of the truth, some judgment from that vast body may be rendered to the appealers satisfaction. And so having conceived that the Author of the Observations upon his Majesties late Answers, hath upon this subject broached divers State-doctrines, neither agreeable to our Laws, nor yet to true Christian Religion; and that yet (to the prejudice of the Truth) they have, as truths, got a strong prepossession of mens minds; I have thought fit to offer such notions upon the summ of them, as I conceive ought to bring them to a more serious re-examination. Saving therfore to His Majesty His right of Animadversion into the particular *falsities, insolences, & seditious calumnies* in the several passages of that book; I only apply my self to the summe and scope thereof, and that I find to be to this purpose.

First, That God is no more Author of Regal power, than of Aristocraticall, and as much Author of usurped Dominion as of Hereditary. That Power is originally inherent in the people, and but derivative in Kings. That the people are the efficient and finall cause of Kings. That the name of King is not greater than of people. That though the King be *singulis major*, yet he is *universis minor*. That he is not to be accounted a God, a King, a Lord, a Father, *&c.* to the people *conjunctim*, but *divisim* only. That treason (so far as it concerns the Prince) is not so horrid in nature, as oppression in a Prince, *&c.*

In the better examining of these, we find, That God creating mã single, left him no other meanes of multiplying, than only by propagation, and in propagating, he gave the rule & Soveraignty of the issues propagated,

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to the Father of whom they were propagated; and in defeasance of the Father, he gave the rule of all the younger (and consequently of their descendants too) unto the first born (as we may see where God tells *Cain*, *Thy brother shall be subject to thee, and thou shalt beare rule over him*, Gen. 4.7. So that all men in the beginning were born Subjects, either to him that naturally was their father, or to him that by right of primogeniture was representatively the father. After the Flood, the then common Father of the world, having a family of three Sons of different condition, & they (for the plantation of the then unpeopled world) by Gods determinate forecounsell dispersed into three distant parts of it; the elder Brothers right of Soveraignty over those younger, (through distance of place, and want of occasion and meanes to exercise it,) became wholy neglected, as upon like severance and search of new places of Plantation, it, in other places, often after became. But every planter becomming to by himself a Father, soone became a Family, and from a Family grew into a City, so into diverse Cities, and at length into a Kingdom. And though we first heare of the irregular Kingdom of the descendant of *Cham*, yet find we also, that *Shem* the eldest & blessed son of those three, was grown into the soveraignty of a Kingdom, and was the first King that ever was in the world: for by the judgment and computation of the Learned, *Melchisedech* the King of *Salem*, could be no other than very *Shem* himself. Neither had the ten Tribes of *Israel*, when revolting from the son of *David*, they said, *we have no part in David, nor portion in the son of Jesse*, any other meaning then only to infer, That *David* being neither their Father by nature, nor in primogeniture by representation, they were free from the naturall subjection unto his son, which otherwise (they implied) they were bound to be subject to. And indeed, if there had not been an especiall ordinance of God in the case, it had truly followed, that being neither descended of *Jesse*, nor *Jesse* the first borne of their common Father, the rule of subjection which followed nature, had not tyed them to obey his son. The fifth Commandement it self proveth this naturall bond of subjection, when (as all Churches expound it) it commands Obedience to governors, under the name of parents only. And that (according to Gods saying unto *Cain*) soveraignty did rightfully follow primogeniture, we may see it in this, that as God promised *Jacob* the soveraignty, so he procured him the Birth-right, formally transacted by *Esaus* sale of it. Therefore a King being no other than a common Father, by either naturall or legall Right, neither the people, not any other power than only God (the Father of nature it self) can properly be said to be the Author of the being of Kings.

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Next God hath not authorized Kingly power in nature only, but by his expresse promises before the law and his ordinances concerning it, in the law, even before ever the people of Israel sought a K. also by setling over his people the government of a King: by secrating that office with anpointing, by his own assuming of the name of King; and by setting forth our Saviours Dominion over his Church, by that name and office. In all which, if God hath done the like for authorizing aristocraticall or usurped Dominions; then is the Observator in those assertions to be justified; but if not, then is he in them an Author of lyes. Yea, God is more Author of what he ordaines and directs, than of what he only permits; and therfore more author of good, than of evill. Wherfore to say usurped Dominion refers as much to God as author therof, as lawfull, hereditary Dominion doth, is not only false, but also blasphemous.

As for Power inherent to the people, how should one imagine such a thing? unles also he would imagine people to be *juvenes ab aquilone creati*, men like grashoppers and locusts bred of the wind, or like *Cadmus* his men spring out of the earth; where none deriving from any pre-existent Parents, had all of them equall originall and power, and therfore subject to no civill power but what by agreement they themselves ordained? But where man is borne of a father, to whom by the law of God and nature he is subject, he is so far fro having inherent power originally in him, as that he hath not his own original being but only in subjection, either to his immediate father, if his father were absolute, or to him & his common father, if his father were a subject. Now if man, in his particular and natural capacity, hath not original power of himself inherent in him, he cannot have originall inherent power, by any civill capacity whatsoever.

And though, upon the overthrow & breaking up of Kingdoms, instance may perhaps be given, that people have made themselves a King, yet does not that prove the people to be the originall of Kingly power; no more than going upon crutches, after losse of a leg, proves crutches the original and naturall way of going; for people being by misfortune deprived of their naturall common father and Soveraign, must of necessity entertain such supply of their losse, as their fortune can best afford them. And even in that case too, their making of a King, was no other than the choosing of one to bear the known Office of the true and naturall common father. For we must note, they never made Kings by giving the power *constituendi*, to do so, and so (as they must have done, if Kings had had nothing but commissionary authority from the people) but they made Kings only by choosing one to beare the office & person of the same governor, that the law of nature had before described & authorized to command & govern.

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Though therfore the ten tribes of *Israel* rebelled against *Rehoboam*, for refusing to relieve their grievance, made *Jeroboam* King, and God forbad *Rehoboam* to war against them for it; yet this proves not, That people have power of making Kingdoms or Kings. For God himselfe had first declared, that he would rend ten Tribes from the Kingdome of *Judah*, and that *Jeroboam* should be King over them. And had *Jeroboam* and the people attended Gods will and pleasure in it, (as *David* after his anointing did) he had been a King, and they a Kingdom, not of their own making, but of Gods. But to shew how quickly the by-affections of the people pervert the right work of God, when they look not well unto the way, as unto the end; we may see that for all this new kingdom and King were of Gods appointing, yet when the people would in a way of their own, take upon them the crowning of the man appointed, God disclaims the authorizing of what they did. *they set up a King, saith God, but not by me, Hosea* 8. 4. and in recording the fact (both in the first of *Kings*, and again in the 2. of *Chron.*) the Scripture directly telleth us, that they rebelled. That therfore God forbad *Rehoboam* to fight against them, did not approve what the people had done, for God tels the reason why he forbad them; not because the people had done well, but because the thing was of God, which if God had not revealed, *Rehoboam* might, and ought to have reduced them to their obedience; and howsoever the thing it self was of God, yet to teach us, that the people have not authority to do the thing that he hath ordained, without his especiall appointment, we see that when *Abijah* (*Rehoboams* son) with foure hundred thousand, against eight hundred thousand, pitched a battel upon the right of that Kingdom, and committed the cause to God, though *Jeroboam* had entrapped him in an ambush, God gave such a sentence against *Jeroboam* and his people, that after an overthrow and slaughter of five hundred thousand of them, they were disabled from ever recovering strength in all *Abijahs* dayes. And that subjects for luck sake may take heed of making new Kingdomes, or Kings; this King (the only instance of peoples King-making, and yet in making of whom, the people did only anticipate Gods purposed work) became the instrumental efficient of their finall destruction, & setting up the Idolatry which the people themselves had first affected) his sin through all his successors so adhered to them, as that it never left them untill it had extirpated them fro their own, & transferred them captives into another Country. To conclud this point, when we hear God himself stiling himself a *K.* a great *King of Kings*, & telling us that *the kingdom is the Lords*, &c. who without reluctance of conscience and even horror of it, can yeeld the power of Kings to be *derivative*, and the people to be the *originall* of it?

it? for then, God by setting himself forth in the name of a King, does in stead of presenting himself, in a notion of magnificence and Soveraignty, present himself under the notion of an inferiour and of a derivative, from a more soveraigne and originall power: whereas we see God never expresses his power by the name of an Elder, or of a Magistrate, or any subordinate Authority, how good or honourable soever. Yea to be King of Kings, is then no more, than to be the derivative, and creature of Kings. As for the peoples being the efficient and finall cause of the King. If one knew in what sence the observatour would be understood, he were soon answered. For if he would be understood according to the propriety of his words, (as indeed that which he would maintaine does need he should) then is that position not only false, but an impious falshood, even full blasphemy: for properly God, and none but God, is the efficient and finall cause of all things: there being no difference between the efficient cause & the Creator. But if the observator means, that the people be the instrumentall cause of Kings, the instrumentall cause and mediate end, are termes of so extreame and notorious difference, & consequence, from efficient and finall cause, as it is by no meanes to be pardoned him, that he should meane the one, and say the other. Besides, to understand him so, does overthrow all that he drives at: for if the people be but the instrumentall cause of Kings, then can they not be the end of Kings, no more than the instrument of any work can be the end for which the work was made, but contrarily the work is the end of the instrument, and therefore greater than the instrument. As for the people, they are so far from being the finall end of Kings, as that they are not any way the end of them. For government is the end of Kings (of which the people are but the subject) as God alone is both the efficient cause and final end, both of the government, Governor, and subject to be governed.

As for that which he affirmes, that though Kings be *singulis majores*, yet are they *universis minores*, and that wherein soever they be to be accounted, Gods, Lords, Fathers, Heads, unto the people, they are not so to be understood, other wise then as to the particular persons of men, not considered singly not jointly: what an impudent insolence is it that one that has pie of reason, should so wickedly belye the principles of it, to so infinite a consequent of absurdities? For if Princes be Kings, Lords, Fathers, Heads, &c. to the single persons of the Subject only, and not to the universality of them, then is every single Subject by himself alone a body politique, whereof the King, as King, is Head, and so hath as many Kingdomes as Subjects: and every one being distinct in relation one from the other, have not, nor can have any civil communion among them; neither

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can any of them have to do with the civill affaires one of another. And further, which is not only falſe, but deſtructive to the publick weale and fabrick of all Kingdoms. If Kings be not Heads of the publick community of their people, as well as of the private particulars of them, then is the publick community out of the Kings protection, and Kings are diſcharged of all care of the publick. For the mutuality of relation betwixt protection and ſubjection, ſuffers not the one to move, but within the limits of the other, and if the univerſality muſt be under the Kings protection, it muſt be alſo under his ſubjection, for which cauſe the ancient and conſtant wiſdom of our Peers and Commons ſitting in Parliament as the body repreſentative of the whole Subject of the Kingdom, do in the preamble of their Acts, in that quality, to this day, recite themſelves his Majeſties loyall and faithfull Subjects. So that in this point the obſervator inſolently controules the wiſdom and Judgment of the repreſentative of the whole Kingdom, as well as contradicts the principles of reaſon.

Laſtly, whereas he ſaith that Treaſon ſo far as it concerns the Prince, is not ſo horrid in nature as oppreſſion in a Prince. Without excuſing any way or diminiſhing the faults of Princes, in any the leaſt act of oppreſſion, let every one but aske his own conſcience, whether is more horrid in nature, Superiors to wrong Inferiors, or Inferiors their Superiors? Maſters their Servants, or ſervants their maſters? Husbands their Wives, or wives their husbands? fathers their children, or children their fathers: and he will ſoon find the impiety of this aſſertion. And whereas now the obſervator profeſſeth his good will and affection to Monarchy. You may by theſe grounds which he hath laid, and by his propounding to us for a pattern to our Kings, the condition of the Prince of *Orange*, and for our Kingdom, the pattern of the Common-wealth of *Venice*, know how falſe a meaning he hath, and what his deſigne is; even to looſen the ſacred tye of Obedience toward our Liege Soveraign, and with it the firme and ſetled ſtability of the Kingdom, and to prepare mens hearts & perſwaſions, to the receiving of ſome new forme of Government, according to the fancy of the common people.

Having therefore with falſe principles endeavoured to found the original of all Soveraignty in the people, as hoping thereby to find meanes to pluck it out of the Kings hands, he then proceeds to perſwade, that not only naturall reaſon, but even the frame of the Kingdom, and the poſitive laws thereof, do all concur to maintain the higheſt Soveraignty to be in the people. But when he ſhould make that apparent by the manifeſt Judgements and Acts of our Law, not being able to do that, he ſeeks by ſly inſinuations, to have that admitted and ſwallowed, which to prove, he

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knows were impossible. Therefore pretending to shew the originall, the progresse, & changes of soveraigne government, all from, and by the authority of the people, even from the fall of *Adam* to the present, when it should be expected he should show the soveraignty of this Kingdom to be derived from them, he runnes himself into a puzzle, & then breaks off and tells us what he thinks, and he thinks, that *when most Countries have found out an art & peaceable order for publick Assemblies, whereby the people may assume its own power, to do it self right, without disturbance to it self, or injury to Princes; he were unjust that would oppose that art and order. That Princes may not be beyond all limits of Law, nor tried upon them by private parties, the whole Commmunity in its underived Majesty, shall convene to do Justice, &c.* and so he goes on insinuating, that our Parliaments are such publick Assemblies, wherein the Community in underived Majesty convenes to do Iustice upon the King.

Truly I am not so well affected to arbitrary government, as to admit the judgement (much lesse the thought of one man) to be proof of Law and government; we shall therefore by Gods help examine how well this new conceit agreeth with our Laws and ancient setled frame of government. But this is obvious aforehand, that it is so far from being true that most Countries, have found the art and order of assemblies wherein the people may assume the power of doing themselves right, As that unlesse you will call the assembly of some meere popular Republique, such an assembly: there is not the ordinance of any such assembly to be found in all the world, and the reducing of our Parliaments to such assemblies, will suit as well, as the shaping of our Kingdome to the frame of the common-wealth of the *Venetians*, or of the *Hollanders*.

That we may know therefore that our Parliaments are no such imaginary assemblies, in which the people in underived Majesty convene to assume any power supposed to be theirs originally, and with that power to do themselves right. Even the observator himself hath assured us, when in his fast and loose play, he unawares confesseth, that the composition of our Parliaments are so equal & geometricall, and all parts so orderly contribute their office, as that no part can have any extreame predominance over other. This is most true that he confesseth. God grant that no endeavour to the contrary may ever deprive the Kingdom of the right benefit of this happy & well composed Ordinance. But now then if our Parliament be ordained assemb. compoled of 3 necessary different parts, one soveraign, the others Subject, some appearing for their own interests, others representatively for them that sent them, and all ballanced in such a geometricall equality, as is proper for the conservation of their severall rights

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and interests from any extream predominance of one of the parts above the other. Then can they not be assemblies of resumption of the peoples supposed power, for in such imaginary assemblies, there must be a dissolution of all constitute orders, decrees, and qualities of the parts, and all the members must be reduced to a natural coequality, undistinguished by any difference of quality, degree or priviledges whatsoever. so as there must be neither King nor Peeres, nor any office or power of the former state remaining, but all resolved into a meere Chaos, till all be new framed by the deity of the people. So far therefore are our Parliaments from the nature of such assemblies, as that the endeavours of introducing of such assemblies, is most seditious, trayterous, and destructive, not onely to the person and dignity of the King, to the Crown Imperial, and to the kingdom it self, (whose wel ballanced rights have (beside other tyes) been so often, so solemnly, and by so many of us, even by our whole representative body sworn to be defended) but even to the rights, priviledges, and being of the blessed Ordinance of our peace and wel-fare, our very Parliaments themselves.

For we must know, that our Law, (taking notice, that in every state there are three parties capable of just, or unjust soveraignty; that is to say, some Prince, the Nobles, and the people) judged no government so safe and assured, as where every of the three parties capable of Soveraignty, were in some sort admitted to a participation of it, but so admitted, as that still the Soveraignty should cleerely remain to him that ought to be the Soveraign. And to this end, our Law (having first through the piety of our law-giving Princes obtained a just & regular course of government; the stability whereof it found to be more concerned in the power of making lawes, than in any other power belonging to the soveraign) did for preventing innovations that might subvert that setled regularity: in such a sort establish the frame of State and Government, as that the Prince should have his hands bound up from using the legislative power without the concurrence of the Peers and Commons. But then, to the end that they (whose consent was brought in only to prevent the evil which absolute power might work against the setled frame of the state) might not themselves become that evil, which they were called to prevent: The Law gave to them no more interest in the legislative power than it had still left in the hands of the Prince, to wit, to every of the 3 parties, the King, the Peers, and the Commons, an equall power of assent or dissent in making of new Law. And so by opposing the single power of every one of them, to the votes of every other two; made to secure a ballancing of their powers one against another; as that no practice of any two of them can do any thing to the prejudice, or diminution of the third, without that third party it self do give consent unto it.

Nor did the providence of the Law here rest: But considering that in

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the power of making Lawes it had now opposed the power of two numerous bodies, against the power of the single Soveraign. It forefaw and feared, that by the Soveraignes consenting to Lawes for the ease and benefit of the subject, things might passe to the prejudice and diminution of the Soveraignty, if the single person of the Soveraigne (surcharged with the care of the manifold affairs of the kingdom) should be left all alone to advise and dispose his right against all the wisdom and solicitation of the numerous body of the Subject. To prevent that, it ordained that the King should at His owne discretion sweare unto Himselfe a body of Councell, to advise him in the concernments of his Soveraigne Rights, and safety, (which is his Privy Councell) and a body of Councell at Law, to advise Him that Hee may neither doe, nor suffer contrary to the rule of Law. And through this even Counter-poise and ballance of all the three estates of Parliament (as through a meane wherewith God hath especially blessed us aboveother lands) do we enjoy the assurance of a regular freedome, under the government of a just and legitimate Soveraignty. In which, if without the free concurrence of every of the three ordained parties, there shall be any invasion & exercise of the legislative power; then shall the well ballanced frame of legitimate lawmaking be overthrowne, and with it, the rightfull being and use of Parliaments destroyed.

But the Observator having not ascribed such underived Majesty to Assemblies of the community, to the end to maintain the rights of Parliaments, but to innovate Parliaments to the destruction of their true being, and to the transformation of the State and government. Howsoever that *fol* 15. hee tels us onely of some defects in Parliament, that might receive amendment: yet lets he slip, that those Defects, are Divisions between the two Houses, and between the King and them. Now Division being almost inevitable, and power of dissenting necessary for ballancing the three differing parts of Parliament, to prevent this power of dissenting, were to destroy the ballance and being of Parliaments, and to make them Counts of popularity, where they that please the people should absolutely carry all things. Though therefore he here discovers his designe, yet being assured not to bring it about, but by mis-leading the most faithfull and well-affected both to true established Religion and Government, he covertly pursues his purpose altogether under the shew of vindicating the Rights, Privilledges, and being of Parliaments.

So, whereas our Parliaments are assemblies wherein the whole state in three distinct formall parts, convenes in Councell, and wherein every of those three parts have free power of allowing or disallowing of any thing propounded for a Law, and wherein the Law taketh notice of no vote, nor act, for any generall Law, save what doth passe with concurrence of all the

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three parts of the assembly. The Observator tells us, that for the King to say, that *without the Kings concurrence and consent, Parliaments are without all power, this at one blow confounds all Parliaments, and subjects us to an unbounded Regiment of the Kings will, as any Nation under heaven ever suffered under.* And his reason is, if Kings may so frustrate Parliaments, hee may by the same means frustrate all inferiour Courts, and then farewell Law, Right, Liberty, and all things. *O impudence!* does his Majesty in this claim more than either the house of Peers to it selfe, or the house of Commons to it self challengeth? Nay, claims his Majesty more than hee acknowledgeth due by the Law to each of the two Houses, aswell as to himselfe, freely to assent or dis-assent to what is propounded for a Law, and doe not, and have not, both they and his Majesty, and both their predecessors, ever practised that power? so as we have had scarce one Parliament wherein eyther King, or Peers, or Commons (or perhaps every one of them) have not severally dissented from the Votes each of other two, and by their dissent frustrated the Votes of the other two, and yet (God be praysed) our Parliaments doe, and (we hope) still shall continue, notwithstanding such *undermining Foxes* would bring that three-fold cord of our State, into that single string of a popular Assembly, and all things so into a confusion?

And how false is the consequence, that if the King by dissenting may make voyd, the sentence of the two Houses of Parliament he may also voyd the sence of an inferiour Court of Iustice? when in Parliament the Law hath appoynted the King himselfe to give his owne Vote and consent, personally if he will, or by his Letters under his great Seale, if he will. But in inferior Courts hath appoynted none to give sentence or judgment but only those Iudges, who in a definite and formall way are ordayned to be the only Ministers and Deliverers of the Kings Iustice and judgment in that behalf, so as no personall or instrumentall assent or dissent of the Kings, can alter or frustrate the sentence or judgment of any inferior court, because that though the Iudges there give the Kings judgment, and not their own; yet the Law having authorized none but them to be the givers of the Kings judgment there, it taketh no notice of any other judgment in those Courts, than only of the sworn Iudges themselves: and though the King, the Peers, and Commons in Parliament have every one the power, by any one of their Votes, to frustrate the Votes of two of them, from becomming the judgment of the whole Court: yet cannot the Vote of either the King, the Peers, or Commons alone, or of any two of them, frustrate or change the judgement of any inferiour Court. And it is further to be observed, that in those Courts the Iudges judge as strangers of matters that concerne others only, and not themselves, and therefore render judgment *in invitum*, against the will of one of the parties at least, in which case because *expedit Reipublicæ ut*

suis sententiis, if all the Iudges agree not, yet judgement shall be given according to the judgement of the major part.

But now (contrary to the use of inferiour Courts) The parties in Parliament (in those things that concern the publique) meddle not as meer Iudges, but as Parties interessed, with things that concern every of their own Rights, in which case it is neither Law nor reason, that some of the Parties should determine of that, that concernes all their mutuall interests, *invita altera parte*, against the will of any one of the parties. But that all parties concur, or else their mutuall interest to remaine in the same condition it was before; for Parties cannot meddle with judging *in invitum*, but *per consensum*, and therefore no major part of the three parties in Parliament, but the consent of all three must make the judgment of that Court; otherwise two of the three parties may totally or in part oppresse the third, and then one of those two, oppresse the other, and be a sole arbitrary tyrant. The King and Peeres may oppresse the Commons; The King and Commons may oppress the Peeers, the Peers and Commons may oppress the King; and then the Peers being easily suppressed by the Commons, what shall hinder but some *Appian decemvirate*, (that under shew of zeale of Reforming Church and Common-wealth, may carry the sound and well-affected Subiect with them) After they shall have not onely possessed mens mens mindes with the lawfulnesse of their Authority, but possessed themselves of the *Militia* and all the power of the Kingdome, and two or three yeare kept all that power in their hands, pretending they cannot sooner perfect their Laws of Reformation (though indeed they doe but time it out, till they secure all unto their private ends) (as *Appius* in all things did.) What then (I say) shall hinder, but that by meanes of some *decemvirate* among the Commons, some *Appius* may invade an absolute Soveraignty over us; or missing that, resolve yet all our setled State, into an unsure troublesome *Aristocracie*? or *Republique*?

The better to prepare the way to some such upshot. The Observator finds a defect in the frame of our state, hee cannot see how Parliaments can have sufficient power to restrayn tyranny, if they can do no Act without the Kings consent. And he finds that if Princes in matters that concern the publique, be admitted to prefer weak opinions (as he calls them) before Parliamentary motives, then Parliaments are vaine, Princes unlimitable, and Subiects miserable.

The Observator will be more wise and faithfull than the Law it selfe, and looking onely one way, tells us of insufficient provision for Restraynt of Regall power, without some coercive super-intendent bee placed over it. But the Law that looks every way, tells us that the erecting of such a

ſuperintending power, would unſoveraign our King, and make that ſuperintending power Soveraigne, and when it were made, the exerciſe of it would be ſubject to more dangerous extravagances than Regall power is, and yet leſſe capable of regulation than it. Therefore the Law, (knowing that there is none but *God, qui cuſtodiat ipſos cuſtodes*, that can reſtrain ſupream Governours, and knowing that nothing in this world can be reduced to ſo abſolute a perfection of ſetledneſſe, but that in the laſt means it muſt meerly depend upon the providence of God) after a full conſideration of the weaknes and imperfection of every ſeverall form of government, concludes, that the ſoveraignty was better placed in the hands of a ſole Prince, than in a popular, or Ariſtocraticall hand, and that a poſitive known law, without any coercive ſuperintendent, was a ſufficient and the beſt boundary of Regall power, againſt any irregularity whatſoever, eſpecially when the Law (being backed with a Parliament of all the orders of the kingdom) ſhal thereby find means of diſcovery and manifeſtion, both of the truth of the Law it ſelfe, and likewiſe of the violation of it. For the Law, and the tranſgreſſion of the law, being both at once made manifeſt & notorious, that will be ſo ſufficient a ſecurity of the future obſervance of the law, as princes will not further endure to violate it; becauſe (as the Poet ſayes)

Nec pueros coram populo Medea trucidat,
Aut humana palam coquit exta nefarius Atreus.

Infamous acts will not endure to be committed in the ſight of all the world.

Therefore to ſay truth, the Obſervator's conceit of having ſome ſuperiour power to inforce the law that ſhould regulate the power of the ſoveraigne Prince, is a meere falſe conception of an heart as traytorous to God as to his Prince, who would have abſolute ſecurity by an arme of fleſh, when no ſuch can be given to it. For, to regulate his Prince, he would not only have a law, but a ſuperiour power to enforce that Law; and ſuch a ſuperiour power being once erected, that muſt alſo be either boundles, or muſt be circumſcribed with a law: if circumſcribed with a law, then alſo muſt that law have a ſuperior coercive power to enforce it, & ſo muſt we have ſuperior power, over ſuperiour power, *uſque ad infinitum*, and yet at laſt, leave the moſt ſuperiour power, in that liberty which the Obſervator calleth boundleſſe, Arbitrary, and Tyrannicall. And how abſurd a thing is it to imagine, That when the Law hath truſted the Soveraign power in the hands of the King, it ſhould againe diſtruſt him, and unſoveraigne him, and place in another the Soveraignty of the ſame ſoveraigne Truſt? and with a ſecond abſurdity leave in the Kings hand the power of calling together and diſſolving the power whereby he himſelfe ſhould bee conſtrained? and to make up all, ſhould by authority of that power, conſtrain all the heads of the people, and even the Repreſentative body of that power, by ſolemne Oath to de-

clare that the King is not only supream Governor, but that he is the only supream Governor, when (such a Superior power admitted) he can be neither only, nor at all, Supream.

But the observator aiming more to subvert what is established, than to reduce things unto their first establishment, quarrels still with the regal power; and he reasons, that whether or no the Law gives the single person of the Prince as full & free a vote to assent or not assent, as it doth to either the house of Peers or house of Commons, yet is not the Prince to use the liberty of his vote licentiously, but advisedly and by Councell, and what Councell can he have more wise, faithfull and impartiall, than theirs that represent the whole Kingdom, who cannot be supposed to have private ends as Courtiers, Cavaliers, and private men may have?

Truly that Princes ought with great respect to hearken to the advice and information of the great Councell of the body of their people, who can so much as make a question of it? But why should these things be objected to his Majesty? For what Prince of al his predecessors hath so much he hearkned and condescended to his great Councell, as his Majesty at once hath done unto this present Parliament? Not any one; Nay, not the whole succession of his predecessors since the granting of the great Charter hath done the like. Witnesse the condescending to the Earle of *Straffords* attainder, the damning of Ship-mony, and of all Monopolies, the Star-Chamber, and high Commission Court, the taking away of the votes of Bishops and of Popish Lords, the parting with the long used power of imposing upon merchandize, bounding of Forrests, and yeelding to the regulation of whatsoever further grievance should be found in the common-wealth. And (for a seale of observance of all) the granting of a Triennial Parliament, and the perpetuating of this present Parliament. With what dispensation of the violating of Christianity can a Subject (through all these presumptions to the contrary) charge his soveraigne with averse nes to publick counsell, and inclination to private whisperers? O that being at once possest of so many not long since unhoped for satisfactions, we might not want hearts to enjoy them & acknowledge them.

But the two Houses thought the Kingdom in imminent danger, and deemed it should be put in a posture of defence, and his Majesty by evill counsell refused and deserted them. Truly the observator neither doth nor can shew, that his Majesty, upon the Parliaments apprehension of danger, refused to take order for the defence of the Kingdom; for the contrary thereof is true. And in his seeking to secure it by a military posture, he so far condescended to the satisfaction of his Parliament, as that he offered to change the persons, that in any County had the charge of the Militia, if his Parliament made any just exception to any of them. And for his Majesties comming to the Parliament to *Westminster*, even in that also he so farre hearkned to them as

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that he offered, that if, to secure future seditions, they would make some exemplary punishment of the Actors in the late seditious tumults there, he would even come thither. And being refused in that; he notwithstanding, offered them to come to any other indifferent place. As for the place where they now sit, who (that hath vowed his Faith to the Laws of the Land, and to the priviledge of Parliament) can in such conscience as he will answer God withall, hold that a place of indifference and of freedom to vote in, where the people in tumult demanded of the Houle of Commons to know who were the Lords that refused to vote with them, and where some of the Peers were assaulted by the multitude for having differed in their votes from them, and yet none of those Tumulters were punished or ever questioned for it?

But ere we leave this point of hearkning to the advice of Parliament, we must consider too, that though we grant it behoolefull for the King to hearken to his Parliament, we must not understand it so behoolefull, as that there should be inevitable necessity laid upon him, that he must follow whatsoever they advise; for then at one blow we overthrow the fundamentall law and frame of Parliaments. If from any of the three formal parts of the Parliament we take away the freedom of voting, to assent or dissent, we breake the threefold cord of the State, we cast away the ballance of it, and even dissolve the very frame it self. If when for necessity of State, the Head assembles the whole body in Counsell, (where the Law gives the Head one vote of three, and allows him a body of privy Councell to maintain the proper rights of the Head) the Head may not use that power which the Law giveth it, no not in case the two other parts contest and claime part of the right belonging to the Head, and where (by Law) the vote of the Head is opposed in ballance, to the moderation of those two powers; as well as their powers are opposed in ballance to the power of the head; but that the Head must do all things according to the advice and counsell of the two parts, which are the body of the Subject. Then all that solemne forme of Law, that calleth the Head, Soveraign; that authoriseth the Head to swear a body of privy Councell; to convoke the Nobles and Commons in publick Counsell; to call to that Counsell whom he thinketh good: to take homage of the Peers, and Oath of Supremacy of the Commons: and having used their Counsell, at his Judgement to dissolve it. All this (I say) is then a meer misleading formality of the Law: The Soveraignty (against all our Oathes and expressions to the contrary) is not in the King but in the people; the King is the only Subject, and but a common vouchee, whose concurrence is unavoidably implyed: His will, his understanding, and his power (though he acknowledged Head, Soveraigne, and chief residence of authority) is all subjected to the body of the very Subject that in Parliament doth sweare subjection to him.

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subjection to him. The tripartite frame of a Parliament of three estates, is a vanishing apparition: there is really nothing, but a meere popular assembly, not of Subjects, but Soveraignes. The Crown Imperiall and kingdome it selfe (though asserted by our solemnest acts of Recognition and oathes of the body representative) are meer *non entia*, we are but a Republike, and the chiefe head of the kingdome hath not (beside the name) more of a King than the Duke of Venice, or the Prince of Orange. And this being hid ever since the first beginning of the kingdom; the whole generation of the subject ever since, hath by the injury of our Lawes, been most impiously misswornin their allegegeance; and the errour hath never been discovered till the whole kingdome (having now solemnly sworne to stand to, and defend the Lawes) cannot recede from their wrong-sworne obedience, but with the guilt of universall perjurie, and under the burthen of that guilt, expose an old grown kingdome, to the hazards of a new-framed Common-wealth. All this does necessarily follow, if wee take away the freedom of the Kings assent and dissent in Parliament, or bar him of the use of his Councells advice therein.

I should little need to say any thing concerning that which the Observator so much pretends, that communities and universalities of men, are voyd of corrupt affections & of private ends; and that therefore their desires are alwayes just, and their Counsell faithfull and impartiall. But when in the fallacy of this perswasion there lyes (I fear) a great part of the sin, for which Gods anger now so publikely doth shew it selfe upon us, I would be loath to passe it over without any touch at all. I feare we are too diffident to rest upon the Ordinance of God; I fear we are too confident of our selves, as if our owne naturall providence (if we were left unto it) were beyond any other means of safety, although it were the ordinance of God unto us. A word or two therefore shall not be unnecessary concerning the corruptions and errors that even communities themselves are often subject to.

That communities are lesse subject to private ends and affections than particular men are, is true: but it is also true, that they are not absolutely free from them, and when they fall into them, they are more fatally violent and dangerous. And though one would think it repugnant, that an universality (which contains the whole publique) should have private ends; or that, that should any way be counted priuate, which they that contain the publike doe pursue? yet seeing it is not the number of agents, but the capacity in which they act, the quality of their acting, and the coherence or incoherence of what they pursue, with the publiques end and weale; that makes the actions of men publique or private: it must needs follow, that if without authority, or out of the way of the publique Ordinance, men pursue any thing though the whole comunity concur in the pursuit) yet is all of the nature of a

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private action, done to a corrupt and private end, for though the thing intended be to the present good of the publick, yet being beside the ordinance and way, it is in consequence against the good & weal of the publick & so against the very ends of the publick. And as in the body natural a very few members (that is none but the eyes) have the sense of seeing, but all the members have the sense of feeling, so in Communities all have the sense of enjoying good, or suffering evil; but very few the faculty of discerning the cause and means of either. Yet the major part of the community (more carried by sense than true discerning) oft makes the judgment of the whole Community, and brings it to act that, that agreeth not with the intended weale of the Comity. By this means (at the best) the whole universality of the Israelites (contrary to their own final good & prosperity) forced their Priest to let them up golden calves. By this means the universality of them again revolted from *David* (their K. by Gods immediat ordinance) to *Absolom* an usurper. By this means the universality of the ten Tribes, for redresse of their grievances, rebelled against *Davids* grand-child, and set up *Jeroboam*, who reviving their own affected false religion, authorized that sin which pursued them in their extirpation. It is therfore an untruth, to say that communities can have no private ends, and a belying of the law & truth to say (as *fol.* 22) that ever there was such a *maxime*.

But it will be said, that though in Communities the body at large (in which the vulgar is the greatest part) may be subject to corrupt affections and ends: yet the body representative, which is the choice of the Community, is to be presumed free from corrupt ends and affections, and therfore most wise, faithfull and assured. Truly we pray, that since in this knot lye many scruples that wring the consciences of thousands in our Israel, we may with modest freedom, reason the things that tend to clearing the honour and obsevance due to representatives. To whom we acknowledge the highest honour and observance that can be given to the body represented. But the honour and authority of the representative will alwayes depend upon two things, that is, the quality and condition of the body represented, and the quality of the representation it selfe, for as that is more or lesse proper and lively, so will it derive more or lesse authority and reputation. If therefore the body at large be an absolute free soveraign (as is the Community of a right Republique) the true representative of that body is then to be observed withall soveraigne honour and due subjection; but if the body at large be it self a subject, the honour and authority of the representative cannot exceed the honour and authority of a subject, for none can make their image more than they themselves are. Next then, (besides that all representations how plenarily soever authorized, must ever be subject to the condition of the body represented) The repute and authority of representatives, will also follow the soundnes or weaknes, exact-

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neſſe or imperfection of the repreſentation it ſelf. For if throughout an whole Community the repreſenters be equally and proportionably ordained according to the true relative intereſt, that each part which ſendeth them hath to the whole publick (as in the united provinces they are) there will be all full acknowledgment of authority to the repreſentative, that poſſibly can be to the body at large; and there will alſo be ſome preſumption that the repreſenters are authorized, to determine ſoveraingly of thoſe things that concern the publick. But if (on the other ſide) there be no equality, in making repreſenters, obſerved; but that ſome parts ſend as many as others that are an hundred times greater and more conſiderable, both in power and ſupport of burthen in the Commonwealth, and if for ſome of the parts none are admitted to chooſe the repreſenters, but ſubſtantiall legall Freeholders, and for other parts all are admitted of what condition ſoever. And if the number of thoſe that are unporportionably and promiſcuouſly choſen, do three or foure fold, exceed the number of them that are ſtrictly choſen for the moſt principal part of the Community. And laſtly, if it lyes in the power of ſome other authority to give to ſome particular Towns the power of ſending repreſenters, equall in number to the greateſt Provinces of the Community. Theſe circumſtances will not only detract from the repute and authority that a more exact repreſentative of the Community might have, but vehemently demonſtrate that the inſtitution and end of ſuch a repreſentative is rather to miniſter information of the ſtate and condition of every of thoſe particular places and advice, and aſſiſtance to ſome other ſoveraign, and to conſent with him, then to determine ſoveraignly it ſelfe.

To come then to the Objection of the aſſure ineſſe of Repreſentatives in their judgment and fidelity. If in Kingdoms, we by the repreſentative body of the Community mean a perfect repreſentation of the whole body Politique, ſo as that the head as well as the other parts do freely cooperate and concur (as in our Acts of Parliament it ever doth) then can we preſume no other counſell more aſſuredly wiſe, faithfull or ſafe for the publick, than is the counſell of the univerſall repreſentative, in that ſenſe by the repreſentative wee meane the repreſentation of the groſſe of the body without the head, (that is, the repreſentative of the body of the ſubject only) this is the aſſertion falſe, for the Law preſumes not in the repreſentative of the ſubject ſo aſſured judgement and fidelity for government, as it doth in the ſoveraign head alone, for then it would not have placed the ſoveraignty in the head, but in the repreſentative of the groſſe of the body. But the Law knowing both Communities themſelves, ſubject to dangerous inclinations from private incitements, & their repreſentatives likewiſe ſubject to miſleadings factions & ambitions of private men, hath (as in the moſt aſſured place) placed the ſoveraignty in the head, and the head ſo having the ordinance, both for judgment and for government, where the ordinance is, there is the bleſſing and there the beſt aſſurance.

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We need not seek examples how representative bodies of Subjects moving without consent of their head have been misled: there is not one imitable example to be found that ever the representative of the Subject, moved to act soveraignly without the consent of the head. But we have examples of soveraign representatives, in Republiques themselues, notoriously misled by private men; was there ever a more reverend representative than the Romain Senate, yet did not *Appius* and his Faction, under the colour of a *Decemvirate*, (or Committee of reformation) so blind that Senate, as to work them to convert all the power of the Common-wealth into his, and his Factious hands, to the subversion of the common liberty? so as that if by accident he had not been taken away, he had made himself Prince? And was not that soveraigne representative, another time wholly swayed & carried by *Marius* & *Sulpitius*? Sure as nothing is more wholsome for the publique, then that the Soveraign of a Kingdom should often have the advice of the body representative of the Community, so is it most dangerous for the publique to have the advice of the Community enforced on the Soveraigne. Lest so that, that should be for our good, be unto us an occasion of falling.

But the observator insists not so much, that the representative body is the great Councell of the King and Kingdom, as that it is the supream judge and the most soveraigne power. If the Prince (saith he) be seduced, some Court must judge of the seducement, and some power enforce that judgement, and that must be the Parliament; meaning the 3 Houses of Parliament. We have already shewed the absurdity of a superior power to enforce the Soveraigne: but further to dissolve all difficulties in this false assertion, we must know that in Parliament there are diverse kinds of judgements. And that the meer representative body, that is, the house of Commons solely, hath not any judicatory power by it self, unless it be in particular cases concerning their own house & members. But they are as the great inquest of the Kingdom to enquire, discover, impeach, &c. The house of Peers hath generally in all things judgement preparatory in order to judgement of Parliament, as to give oath, to take recognisance, to fine, to imprison, &c. In matters that come before them by writ of error, it hath judgement *decisive* to determine and adjudge Law. But this judgement it hath not as it is part of the representative body: for the representative body hath not therin any part with it. But the house of Peers alone hath this superior judgment, as great Court of the Kings Barons of the kingdom, which being assisted with the Judges of all the Benches, is by formall Ordinance of Law in all matters so comming before it, the proper and immediate superior Judge of Law. But it is not absolute supreme Judge of Law in all things: and therefore it cannot revoke the judgement which it self hath given. Neither can the House of Commons, nor the two Houses together revoke or anul any judgement given in the House of Peers, or elsewhere: therefore also the two Houses are not supream Judges or declarers of Law.

The Observator (Vol. 4.) tells you the reason, To be supream Judge or declarer of the Law is all one as to be supream maker of Law, and that you know the two houses are not. But in the whole three estats of Parliament, that is, in the King, the Peers, and Commons, there, and there onely are all powers intrusted; for they upon Bill are not only judges of the last resort, to reverse the judgment of the House of Peers, and of inferiour Courts, but they can repeal and reform, and repeal again *in infinitum* their own judgments and Acts. And they can not only declare the Law, but they can make the law, and none but they. They alone are they that cannot be bound by precedents or Acts of Parliament; they alone are they that have the legislative power, and therefore they, and only they that have the absolute supream judgment of the Law.

But (saith the Observator) *The King deserts his Parliament*, implying that thus the two houses must be supream judges; though otherwise they were not. As well may he imply, that if the K. come not to Parliament then are the two Houses no more Subjects, but Soveraigns, yea Soveraignes in the highest imitation. Let us see what this deserting is, that shall so easily create Soveraignty in Subjects. We know that by the Law, the Kings personall presence is of no absolute necessity to the proceedings of Parl. and that by the law (declared & confirmed 33. H. 8. c. 21.) the K. presence is not necessary at his giving consents to Acts passed, but he may give consent in his absence by his great Seale. If then the Law count His personall absence no deserting: and as to deserting for want of just and reasonable consent to their demands, his Majesty be so little faulty toward this Parliament, as that he hath given His Consent beyond the example of His Predecessors. Where then shall a sincere Conscience in any deserting the King hath made finde warrant enough to divert his Soveraigne, and acknowledge another Superiour? but to returne.

Diversitie of powers and authorities exercised in the severall parts of Parliament, necessarily causes a diversity of respect and observance to bee rendred to them. And though the judgment of the representative of the subject (that is of the Peers and Commons) in those things wherein it is properly exercised, ought to have esteem and credit before any other judgment of the subject. Yet is it not to be opposed to the judgment of the soveraign, in those things which the law hath entrusted to the judgment of the Soveraign, for the Law trusteth none, but whom it judgeth to have judgment, fidelity, and provision of all necessary incidents sufficient for that trust, and then it prefers both the Acts and judgment, of the party trusted, before any judgment whatsoever. Nor is the judgement of the whole kingdom any whit lighted thereby, no more, than if in particular Sciences (as *Divinity, Physick, Philosophy, Mathematiques*, &c.) the judgement of the professors of those Sciences should be preferred before the judgement of the whole body representative: for *Unicuique in sua arte credin-*

credendum. Matters of State and ſecrets of government are not only unfit and dangerous to be publikely managed, by ſo numerous a body as our repreſentative is, but the greater part are ſo little experienced or able to manage them as that in *Edw.* the thirds time, the Houſe of Comm. themſelves, as the obſervator, fol. 6. tell us, deſired they might be ſpared from giving advice in thoſe matters, *de quenx ils nont pas cognizance*, of which they had not the Cognitans. The Iudgement of the body repreſentative it ſelf, did not at that time believe, but that aſwell the Iudgement, as the care of the *Ardua Regni*, did chiefly belong to the King. To whom alone, the Law having committed the Soveraign Government, ordained him withall, a body of ſworn privy Councell to adviſe with therein, and a ſworn Counſell at Law to adviſe him of the Rights and Priviledges, that belong unto him as ſupream Governor, and firſt of the three States of Parliament.

If any of theſe ſworn Counſailers ſhall counſail the King againſt the known Law, or any by their counſaill, act any thing againſt it: after legall proceeding and conviction, it will ſoon be out of queſtion what ſhall become of them. But if without legall proof of particulars, ſuch Counſailers ſhall by generall vote of the Subject, be cenſured private whiſperers and ſeducers of the King, and to be wholly removed from him; then ſhal the King at once be dangerouſly deprived of the conſtant meanes which the Law hath eſpecially ordained him, for ſupport of his right againſt the other two oppoſed powers, and for the good diſcharge of his Kingly office. Beſides if men ſhall ſo be condemned and made guilty, more by Soveraignty and uncontrouleableneſſe of Iudgement aſcribed to the condemners, then by clearneſſe of evidence and legall proof of any fact then is the birth-right of the Subject, in the higheſt concernment of life and fortunes taken from him, and he muſt ſtand and fall by the vote of the people, that, like a Iudgement infallible, ſhall ſupply the office of both witnes, Peers, and Iudge.

While I purſue the examination of thoſe things which the obſervator would have received for reaſon, I may not let ſlip the obſerving of his ſlye unfaithfulneſſe and deceipt, to paſſe over that point which moſt of all concernes the ſouls and bodies, lives and fortunes of the whole Kingdome, and all becauſe his want of proof in that point, does, if noted, overthrow all that he contends for. For though he argues the lawfulnes of Subjects taking up Armes and reſiſting the Authority and commands of the King, under the warrant of a generall rule to this effect, *That in extream perill and failance of ordinary meanes, any extraordinary meanes may be taken for the ſafety of the people*, yet finding an impoſſibility of proving the State in ſuch extream danger (for indeed ſuch a danger muſt be ſo viſible to all men as not to need any proving) and finding it alſo not poſſible to prove a neceſſity of the Subjects arming himſelf for want of other meanes, when his Majeſty, (in whom the naturall ordinary meanes

of protection is placed) readily offered, and yet offers, to perform that regall office of protecting: The Observator passes over the matter without proving either danger or want of other means, and presses only the lawfulnes of selfe-defence in extream danger, as if (if that were granted) all men might take up Arms whether there were danger or no, and whether there were other ordinary meanes of defence or no, and so securely doe pursue this errour as that we with it swallow any thing, & because that in ordinary providing for danger before it threaten, the ordinary courses of putting the kingdom in a posture of defence by Commission of Lieutenancy and of array, are voted illegall: therefore we not only admit them to be so, but we admit also that the King (to whom it properly belongs to take order for the safty of the kingdom) may not in extremity of danger, by any means that he can use, raise Arms, and put the kingdom in a posture of defence, but the subject, to whom it is treason (by the Law) to raise forces without authority from the King) hee may (against the ordinary rule of Law) raise arms in the very same form that is unlawfull for the K. to do, and all because of the extream necessity and danger. Yet the very same necessity and danger shall not make it lawfull to the Right and proper authority of the King to do the very same thing. Oh, what shall we say, when at once extream necessity is pretended, all wonted formes of defence (without shewing a lawfull forme) are declared unlawfull, and the course which the Law abhors, and the conscience of every Law-sworn Christian trembles at, is set on foot, without the warrant of the lawful Soveraigne, when yet he is ready to supply that office in the just and lawfull way?

I cannot also but note, that though levying of Armes and putting the kingdome in a posture of defence is a right so clearly belonging to the King, as that we know his Majesty, and all his predecessors have ever been possessed of it as a right and authority inseparably annexed to the Crown, which nere any have lawfully exercised but they. And though the representative body of the kingdom, and (in them) every one of the body represented, have according to the positive law, sworn allegeance to the King, and sworn to assist and defend, &c. *all priviledges, preheminences, and authorities belonging to his highnes, his heires and successors, or annexed to the Imperiall Crown of the Realm, &c.* Yet is not the Observator afraid to say that the Oath of supremacy is not endangered by such taking of arms. Nor is he afraid to say, that next to renouncing of God, nothing under heaven can be more perfidious than peoples withdrawing themselves from their representations. As if subjects by giving authority to some of their fellowes to represent them, and to advise and consent for them, gave them a power so much above the condition of subjects, yea so much above the condition of their Soveraign, as that neither breach of faith, nor oath, nor any other duty unto him, were comparable to their withdrawing from the vote or act of their owne representers; as if the right of the King, the Crown, and kingdom, and the concurrence of the three Estates in Parliament,

did not so concern the Comons of the Land but that (against all) they stood soly bound in allegiance to their representers as to the only Soveraignes of their obedience. O! that it may please the two honourable Houses to take into a serious consideration, how repugnant these positions are to the loyalty of a true Christian: how hard it is for a pious conscience to perswade it self, tho' they that broach such doctrins intend nothing but the defence of the K. of the laws of the Land, and of the true Protestant Religion: how much the name and Majesty of God himself is blasphemed, when in a Christian Kingdome that boasts it selfe of the knowledge and true profession of his word, such Doctrines, so derogatory to Christianity should so audaciously be maintained. And lastly, how much it must needs reflect upon their own honor, in point of jealousie & distrust (as if some ill-affected factious persons had too great an influence and power over their votes) when such impious assertiõs, so desperatly misleading the soules and consciences of men, are so licentiously divulged without any condemnation, check, or discountenances from them, though earnestly desired by his Majesty at their hands.

I suppose there remaines not in the observations any thing materiall, that is not already answered. As for the designe of changing Religion into Popery, which the observer perhaps glances at in speaking of *Popish, Prelaticall and Military Courtiers*. If a Christian can in his conscience find any other ground for such belief then only the opinion of a judgement, that would be believed rather for authorities sake, than for any thing proved or discovered, he then may well listen to it. But if in stead of presumptions that way, he finds presumptions of intended change to the contrary corruption of Religion, a good conscience will not be so Popishly affected, as for the infallibility of any judgment, to believe contrary to what his heart telleth him the most apparent presumption must incline him. For besids that it is easier to bring in a corruption in extremity contrary to an old exploded corruption, then to recover that, that hath been once exploded, (as Popery hath been and is.) We have his Majesties often solemne attestation of God, imprecating the prosperity of him & his, if he do not maintain the true Protestant Relig. estabished in the Church of England against all Popery. We have not the like on the other part, against Schismaticall innovations. Yet our Schismaticks are thrice as many as our Papists, & whereas our Pap. are (God be thanked) disarmed, awed, & in feare, our Schismaticks are bold, armed, and in authority, & therefore licentious & tumultuating in every place. God will require an account of our oaths, & protestations for defence of the true Protest. Relig. aswell against Schismaticall corruptions, as against Popish. And an account of our solemn oaths of Supremacy, & of observance of the Law, aswell against popular insolences, & invasions of soveraign power, as against regall tyranny. Let us take heed, that when *because of oathes the land already mourneth*; we through an universall breach of Oathes make it not for perjury mourn more grievously. Last when with our solemn oathes, we have brought the animadversion of our observance of Law, of right, and of Re-

ligion, before the presence of God, as Iudge and revenger of it, and with our own hands kindled a fire for the triall of it, we our selves be found guilty of a breach, or of halting in it. Let us weigh well the cause, the ground, the way, and end of our taking Armes, that the horror of unjust and causeless bloud-shedding may not lye upon us; let us see what it is that we would have, which we may not already have without it. May we not after some provision made for forbearance of such Ceremonies as by the Iudgment of the Church shall be thought fit to be spared, have the authorized service of the Church established? And after purgation and regulation of some enormities in Church government, have the discipline of the Church of England in a good condition setled, with severe penall provision against connivers and Innovators in the one or in the other? Hath not his Majesty declared himself ready and willing to consent thereto? Again, to make sure the aboliſhing of all grievances already suppreſt, and to regulate armes, and some other extravagances in government not yet provided for, may we not have fit provisionary laws, with severe and penall damning of all practices to the contrary? Doth not his Majesty to that also freely offer his consent? What can be wanting to the setling of as sound and well a governed Church and State, as any nation under heaven hath ever lived in? For if by a severe Law the persons of them that shall attempt any thing prejudiciall to the setled practice of Religion or to the declared liberty of the Subject be exposed to exemplary punishment, no feare of Innovation to the prejudice of either can remaine. Nor can we feare his Majesties tolerating of offenders, when besides his imprecating in that case himself and his, he has (in case he so violates the Law) with his own mouth dispenced with his subjects obedience. As for our Parliaments, it can no way be in the power of the King to take away the least right, much lesse the being of Parliaments; for whatsoever a King can do to the prejudice of Parliaments, and how soever averse he may be from them, yet always the necessity of State will at last enforce the calling of a Parliament, and when it is called, it is presently repossessed, and re-invested of all the rights and Priviledges that do belong unto it. For nothing but a Parliament as in the peoples opinion shall have the authority of a whole Parliament, can any way destroy the being of Parliaments, or deprive them of the least right or priviledge belonging to them.

To conclude therfore, if they that devised and broached the new State principles and doctrines published in the Book of Observations, have in them dealt truly and faithfully with the subject. Then let the author of those Doctrines rejoyce in them that receive and maintaine them; and let the maintainers of them rejoyce in them that were the authors. But if they have dealt unfaithfully and deceitfully with the soules of the subject to cause the blind (that cannot judge) to erre, thereby to bring to passe their own designed innovations. Then let it please the just and all seeing supream Iudge of Iudges in mercy to so many thousand soules in this our Israel, who in the darkenesse of these difficulties know not the right hand from the left, to send (as once he did at Iuchams instance) Iud 9. 15. a fire from the malicious authors of them, to bring to confusion and shame the malignant maintainers and defenders of them; and a fire from them to bring to confusion the malicious authors. And let the Throne of our Soveraign Lord the King, (with us the only supream vice gerent of the great and supream Iudge) be in righteousnesse, in Iudgment, in true Religion, and in Peace for ever established over us.

FINIS